

ADVERSARIES

An adversary proceeding is a law suit within the main bankruptcy case. It is commenced by the filing of a complaint, as opposed to a contested matter which is commenced by the filing of a motion.

An Adversary Proceeding is a proceeding to:

- Recover money or property
- Determine the validity, priority, or extent of a lien or other interest in property
- Obtain approval pursuant to 363 (h) for the sale of both the interest of the estate & of a co-owner in property
- Object to or revoke a discharge
- Revoke an order of confirmation of a plan
- Determine the dischargeability of a debt
- Obtain an injunction or other equitable relief
- Subordinate any allowed claim or interest, except when subordination is provided in the plan
- Obtain a declaratory judgment relating to any of the foregoing
- Determine a claim or cause of action removed to Bankruptcy Court in accordance to 28 USC 1452

Filing of a Complaint

All parties filing an adversary proceeding shall file the following documents with the Clerk:

- Original of the complaint or Notice of Removal
- Original of the Adversary Proceeding Cover Sheet
- An original and one copy of a summons for each defendant.

Filing Fees

New Adversary Proceeding/Total Fee Payable: \$150.00

No charge for U.S. agency, chapter 7, or chapter 13 debtor(s).

No charge for child support creditor when filed with notice of appearance of child support creditor or representative.

Fee deferred when filed by panel trustee plaintiff with motion to defer fee.